IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.2167 of 2002
BHUPENDRA PRASAD
Versus
BIHAR STATE ELECTRICITY BAORD & ORS
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12 **14.08.2008** Heard learned counsel for the petitioner, learned counsel for the Jharkhand State Electricity Board and Bihar State Electricity Board.

Petitioner has filed this writ application with a prayer for direction of payment of retiral dues to the petitioner as per sanctioned orders, contained in Annexures-4, 5, 6, 7, 8 and 8/1 issued by the Jharkhand State Electricity Board. He has also made a prayer for payment of salary of the service period taking into account his date of birth as accepted by this Court vide order passed in C.W.J.C. No. 7933 of 1999 dated 26.06.2000, a copy whereof is annexed as Annexure- 1.

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Learned counsel for the Jharkhand State Electricity Board submits that there was a controversy between the Jharkhand State Electricity Board and Bihar State Electricity Board with regard to liability to pay the pensionary benefits of the retired employees. However, the same has been resolved by the Central Government vide its communiqué dated

3rd November, 2006 and accepted by the Hon'ble Supreme Court by order dated 01.12.2006 passed in SLP (C) No. 8618 of 2006 and other analogous cases. In terms of said order of the Hon'ble Supreme Court, learned counsel for the Jharkhand State Electricity Board fairly admits that liability lies on the Jharkhand State Electricity Board for payment to the petitioner pursuant to the said sanction orders. So far as second claim of the petitioner is concerned for payment of salary pursuant to the order passed by this Court in the writ application of the petitioner vide Annexure-1, it is stated by learned counsel for the petitioner that the Bihar State Electricity Board has filed LPA against the said order being LPA no. 1423 of 2000 which has been admitted for hearing. However, learned counsel for the petitioner submits that since the petitioner has not received notice of the LPA, he has not appeared in the same.

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In any view of the matter, since LPA against the said order has been admitted by this Court, it is not fit and proper to grant the said relief to the petitioner in this case, and therefore, the said relief is

rejected with liberty to the petitioner to renew the same after the disposal of the LPA. So far the first claim of the petitioner is concerned, in view of the fair stand of the learned counsel for the Jharkhand State Electricity Board, this writ application is disposed of with a direction to the Jharkhand State Electricity Board to make payment of all admitted dues to the petitioner, pursuant to the sanction orders issued, within a period of three months from today.

Learned counsel for the petitioner makes a prayer for award of interest in the matter. Since the liability of the Jharkhand State Electricity Board crystallized after the judgment of the Supreme Court passed in December, 2006 this Court in not inclined to pass orders for payment of interest on the amount and the said prayer is rejected. To facilitate early payment of admitted dues, petitioner shall approach respondent no. 7 namely, Electrical Executive Engineer, Supply Division, Lohardagga, within a period of two weeks from today with a copy of this order.

With the above observations and directions, this writ application is disposed of.

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Let a copy of this Order be handed over to the learned counsel for the Jharkhand State Electricity Board.

Arvind/ **(J. N. Singh, J.)**

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